

### **REMARKS**

In the Office Action mailed June 19, 2006, Claims 1, and 3-7 are pending in the present application. Claims 8-24 were previously withdrawn. Each of these claims was rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,562,375 to Sako et al. (hereinafter 'the 375 patent').

By the present amendment, Claim 1 has been amended such that the new the pharmaceutical tablet also includes a binder. Additionally, the claim has been amended to replace the transition phrase of "comprising" to "consisting of." Support for the new element of a binder is can be found in the originally filed specification on page 19, lines 27-30, and in each of the Examples 1-4. Support for use of the transition phrase "consisting of" can be found in the Examples 1-4. Each of the Examples teaches a caplet which includes only a therapeutically effective amount of a pharmaceutical, a compressible material, a lubricating material, and a binder.

The above-recited rejection will be addressed below. It is respectfully requested that the Examiner further consider the application in view of these remarks.

#### **The Present Invention**

Before discussing each of the rejections a brief summary of the present invention is made. The present invention is drawn to pharmaceutical product in a compressed tablet or caplet form having a diameter and length of from about 1 mm to about 7mm each. The pharmaceutical product consists of a therapeutically effective amount of a uniformly distributed pharmaceutical, at least one compressible material, at least one lubricating material, and a binder. The lubricating material can be present in the product in amounts of up to 5% and the product as a whole must be able to withstand mechanical pressure and release the pharmaceutical in the gastrointestinal tract of the subject.

#### **Rejections Under 35 U.S.C. § 103**

The Examiner has rejected claims 1, 3-7, under 35 U.S.C. 103(a) as allegedly being unpatentable over the '375 patent. The Applicant respectfully submits that these claims are patentable over the cited reference for the reasons set forth below, and that the rejection should be withdrawn.

The formulations of the '375 patent teach a composition which includes polyethylene oxide as well as yellow ferric oxide and red ferric oxide. Currently amended claim 1 is limited to a composition consisting of 1) and pharmaceutical agent, 2) a compressible material, 3) a lubricating material, and 4) a binder. Therefore, the '375 patent does not teach each and every element of the presently amended claim 1. As such, it is respectfully requested that the rejection be withdrawn and the pending claims allowed.

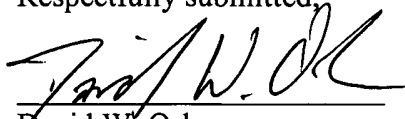
**CONCLUSION**

In view of the foregoing, Applicants believe that pending claims 1, 3-7 present allowable subject matter and allowance thereof is respectfully requested. If any impediment to the allowance of these claims remains after consideration of the above remarks, and such impediment could be removed during a telephone interview, the Examiner is invited to telephone the undersigned attorney at (801) 566-6633 so that such issues may be resolved as expeditiously as possible.

Please charge any additional fees except for Issue Fee or credit any overpayment to Deposit Account No. 20-0100.

Dated this 19<sup>th</sup> day of September, 2006.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David W. Osborne", written over a horizontal line.

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